

FY 2004
Mutual Performance
Agreement Guidance
for the
RCRA Program

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I. Introduction

A. What is the Goal of the MPA?

The goal of the Mutual Performance Agreement (MPA) is to provide a streamlined vehicle for RCRA program performance planning and evaluation for OSW, the Regions, the States and Tribes, as well as for ASTSWMO and TASWER.

B. What is the MPA?

The MPA is an annual performance agreement between each Region and OSW that will be developed and agreed upon by each Region and OSW. It will address and establish performance commitments for both the Regions and OSW. This document will act as a planning tool for the Regions and OSW and will replace the RCRA Beginning of the Year Plan (BYP).

C. How is it Different than the Current BYP and Why are We Changing to Annual MPAs?

The current BYP provides a planning function and serves as a vehicle largely for Regions to provide OSW with performance commitments for the coming year under GPRA. The MPA goes beyond the GPRA commitments and is a mutual agreement between each Region and OSW. It is more streamlined while also covering OSW program areas not currently covered in the BYP. It also emphasizes accountability regarding Regional performance, Regional needs, and OSW performance. These additions allow the Regions and OSW to use the MPA as an effective planning tool, not just a GPRA reporting tool. Additionally, the MPA will allow the Regions and OSW to address expectations of both Regional and OSW performance, and will encourage the incorporation of Regional specific initiatives and innovations, and the sharing of findings between the Regions.

II. Annual MPA Process

The annual MPA process has four main components:

- Annual MPA Guidance: The annual MPA HQ guidance (which replaces the HQ BYP Guidance) provides RCRA program expectations for OSW and the Regions. The MPA guidance includes tables that will be used in the submittal of a performance agreement by each Region (and by OSW).
- Annual MPA: Each Region and OSW will prepare an annual MPA that addresses the expectations set forth in the annual MPA guidance and establishes performance commitments for the upcoming fiscal year.
- Quarterly Mutual Performance Updates: OSW and the Regions will review each other's progress toward their annual commitments quarterly.
- Regional Visits/Program Reviews: Mutual performance review visits will take place in approximately three Regions per year, and will replace the cycle of annual BYP visits/conference calls.

A detailed description of each of these four components are provided in the following sections.

A. Annual MPA Guidance

National performance expectations (targets/objectives) for each element of the RCRA program will be established by OSW in cooperation with the lead Region in the early spring of each year. They will include expectations for Regional performance and suggested OSW performance commitments, including not only GPRA goals but also program initiatives and the OSWER Assistant Administrator's priorities listed below:

One Cleanup Program – Spur a national dialogue on the nation's cleanup programs with an eye toward creating a one cleanup program mentality. (Attachment 1)

Revitalization – Advocate revitalization/reuse across all cleanup programs to help foster economic development and better environmental results for communities. (Attachment 2)

Resource Conservation Challenge – Cultivate innovative recycling and waste minimization efforts and realize the potential of using waste as a safe and viable energy source. Raise consumer environmental awareness and encourage individuals to think about environmental issues at the "hands-on" level – a gateway to better environmental stewardship. (Attachment 3)

Additionally, OSW and OECA will work to coordinate planning and performance expectations (or targets) with the Regions. OSRE will continue to be involved in the corrective action commitments; other OECA offices will be involved in other areas as appropriate. The newly established expectations will be measurable and related, wherever possible, to actual environmental results. Thus, they will typically not be based on planning or coordination activities. The targets/expectations for each program area will be incorporated into tables, where appropriate, for Regions or OSW to place their annual commitments for each program area. The Regions, ASTSWMO and TASWER will have an opportunity to comment on the draft MPA guidance along with OSW's suggested commitments which will be issued each Spring, for the upcoming fiscal year.

B. Annual MPA

In response to the Annual MPA Guidance, each Region will prepare an annual plan outlining its commitments for the coming fiscal year and submit it to OSW by early summer each year post grant negotiations with States. OSW will also provide suggested commitments for work it will complete in support of Regions and States during the fiscal year and submit it to the Regions as part of the MPA Guidance. The content of the Annual Mutual Performance Agreement will address future commitments, not reporting of previous accomplishments. These commitments will include:

- GPRA targets.
- Critical RCRA program measures.

- OSWER Assistant Administrator's priority themes, where applicable.
- Some commitments may be specific to certain Regions and based on actual Regional or State activities or initiatives. OSW and Regions are encouraged to incorporate Headquarters and Region-specific initiatives and innovations.

Regions will be responsible for coordinating with their States and Tribes during the development of their Annual Mutual Performance Agreement.

The OSW suggested commitments provided in the guidance document will involve technical and policy support, training, site-specific support, communication materials development, rulemakings, guidance documents, assistance on tribal issues, national coordination and leadership on "hot" national issues, relationships with national waste organizations, collaboration within EPA Headquarters, and budget.

After issues, if any, are resolved, the revised Regional MPAs, along with the OSW commitments, will be combined into 10 Annual MPA's (one with each Region). Each Regional Senior Policy Advisor and the OSW Office Director will sign their respective Annual MPA's.

C. Quarterly Mutual Performance Updates

Regional program managers and their counterparts in OSW should have regular discussions regarding progress in meeting the MPA targets/objectives, as well as any concerns. OSW will prepare quarterly updates three weeks after the end of the quarter summarizing Regional and OSW progress in meeting the respective targets and objectives set in the Annual MPA. OSW will develop the quarterly updates by taking information from existing databases and regular progress meetings or calls with Regions. In addition, Regions may wish to share with OSW as appropriate, information on specific initiatives they wish to see reflected in these updates, or their thoughts regarding OSW's performance during the preceding quarter.

Any information Regions wish to reflect in the quarterly update should be provided to OSW no later than 2 weeks after the end of each quarter. No later than 3 weeks after the end of the quarter, OSW will prepare the quarterly update and make it available to all Regions and ASTSWMO.

D. Regional Visits/Progress Reviews

A review team will visit three Regions each year and conduct an in-depth assessment of Regional and OSW performance. The teams will be composed of Regional managers, staff representatives from OSW and OECA and a representative of another Region. This visit may be coordinated with a visit from the Assistant Administrator of OSWER. Based on this assessment, the Visit Team will issue a 1-2 page summary covering the Region's and OSW's:

- strengths and progress,
- successes and best practices that should be shared, and
- areas where improvement can be made.

III. Schedule

- Draft MPA Guidance to Regions for comment March 12
- Comments due from Regions March 26
- Final comments due from Regions July 3
- Draft Annual Performance Agreement from Regions to OSW **August 1**
- Concerns and issues with both Regional and OSW Performance Agreements Resolved; MPA signed by OSW and Regions September 30
- Final Annual Performance Agreements Take Effect October 1
- Quarterly Updates - Issued by OSW
 - 1st Quarter January 21
 - 2nd Quarter April 21
 - 3rd Quarter July 21
 - 4th Quarter October 21

IV. Headquarters Points of Contact

HEADQUARTERS FY 2004 MPA CONTACTS		
CORRECTIVE ACTION OSW AND OSRE	OSW Deborah Sherer (703) 308-8826, Corrective Action MPA Coordinator	Region I: Kristie Moore (703) 308-0006 Region II: Karen Tomimatsu (703) 605-0698 Region III: Deborah Sherer (703) 308-8826 Region IV: Ernie Brown (703) 308-8608 Region V: Sara Rasmussen (703) 308-8399 Region VI: William (Bill) Schoenborn (703) 308-8483 Region VII: Mike Fitzpatrick (703) 308-8411 Region VIII: Bob Maxey (703) 308-7273 Region IX: Henry Schuver (703) 308-8656 Region X: Gina Bowler (703) 308-7279
	OSRE Sharon Cullen (202) 564-6037 Mary Bell (202) 564-2256	
PERMITTING	Permitting/Combustion: Norma Abdul-Malik (703) 308-8753 Environmental Management Systems: George Faison (703) 305-7652 Environmental Justice/Public Participation: Karen Randolph (703) 308-8651	
STATE AUTHORIZATION	Wayne Roepe (703) 308-8630	
TRIBAL PROGRAM	Deborah Hanlon (703) 308-5824 Jonathan Binder (202) 308-8577 (OECA)	
RESOURCE CONSERVATION CHALLENGE (RCC)	Josh Lewis (703) 308-7877 David Hockey (703) 308-8846	
SUBTITLE C - HAZARDOUS WASTE IDENTIFICATION & MANAGEMENT	Lillian Bagus (703) 308-8474 Gary Ballard (703) 308-0475	
SUBTITLE D - SOLID WASTE	Deborah Hanlon (703) 308-5824	
ENVIRONMENTAL INFORMATION	Lionel Brown (703) 308-0311	

V. Layout of MPA Guidance/General Instructions

The RCRA MPA guidance (Section VI below) begins with a section called General RCRA Program Management. This section reviews general management requirements that both the Regions and Headquarters will need to perform (specific activities are underlined), but provides and requests no specific commitments. The document then is designed to outline program commitments for the following 7 program areas:

- Corrective Action
- Permitting
- RCRA Tribal Program
- Resource Conservation Challenge (RCC)
- Subtitle C- Hazardous Waste Identification & Management
- Subtitle D - Solid Waste
- Environmental Information

A layout/explanation of each of these program areas (Section VI below) is provided as follows:

- **Introduction** - Provides a brief discussion of the specific program area.
- **OSW Suggested Commitments** - Provides OSW suggested commitments to the Regions on what OSW will complete for the next FY and also, where appropriate, an outlook on future commitments.
- **Regional Targets and Commitments** - Provides RCRA program expectations (targets/objectives) for the Regions. Specific templates, tables and narrative expectations/instructions are provided whenever possible in this section.

Each Region should follow the directions under the Regional Targets and Commitments section for each program area. The unshaded area in all tables should be filled out completely. The shaded areas reflects information accessible from the existing databases (includes existing GPRA goals) and will be filled in by OSW unless Regions want to provide any additional information. A narrative discussion needs to be provided if indicated in a specific program area. Further, everyone is encouraged to provide a general introduction describing their overall RCRA program strategy.

It is intended that this guidance will be consistent with the EPA strategic plan. However, there are some parts of the RCRA program that are evolving with Regional assistance (i.e., the RCC and the Tribal program) and the EPA strategic plan is not final as this is being issued. So there may be changes in our national program that will result in changes to the MPA. We will keep the Regions and States engaged with us in determining needed program shifts, with adequate review for this process prior to next spring's planning cycles.

VI. Program Areas

A. General RCRA Program Management

Introduction:

Although the RCRA program has been in operation for many years, there are program activities just getting underway, much work that requires continued attention, and a few areas, generally associated with court ordered rulings and hazardous waste listings, that are mature and require less federal activity. Much is in transition, so federal RCRA program managers find themselves leading change at national and Regional levels. The sections that follow this one identify the major focus areas (or program elements) for program operations next year and for the foreseeable future. This section includes many general program management activities that Regions and Headquarters must also address.

State Authorization: The authorization of States has progressed to the point that many rules for which States are now being authorized give greater flexibility to State programs; thus these can be viewed as resulting in more efficient and less costly program operations. Each Region should analyze authorization activities and work with your State programs to ensure full adoption and authorization for RCRA rules; note that inadequate authorization is a basis for legal challenges to State programs. OSW will report State program authorization progress in its quarterly updates to Regions. OSW will also produce timely rule checklists and other authorization tools. It should be noted that there are fewer new rules that require federal action, and a corresponding decrease in permit and corrective action work by the Regions. Regional managers should have clear plans to realign work to other RCRA activity as this occurs. So, too, it is useful for Regions to communicate how and when transition planning will occur as States are authorized.

International: The federal waste programs have a unique role in international activity. Headquarters has begun to address the Basel treaty in earnest; there are also mercury and persistent organic pollutants (POP) issues to address; border program activities; and work with OECD and others. OIA and others continue to look for OSW assistance on a wide variety of waste issues. Regions, too, have responsibility for border work, international activities, work with US customs, work with shippers, and support to OIA and others. When the US acts on the Basel Treaty, there will be a clear national framework for international shipments of hazardous wastes. In the meantime, there are several bi-national agreements and multi-national agreements that resemble the Basel Treaty; so, in several respects we have elements of Basel today. Due to a new focus on Homeland Security, there is a heightened focus by EPA on international waste shipments; several Regions and Headquarters are active in determining possible changes in laws, rules or procedures for international shipments of hazardous waste.

Homeland Security: Besides a focus on international shipments as a RCRA homeland security activity, there are disposal responsibilities for possible biological, chemical, nuclear or hazardous materials. The knowledge of RCRA staff, including on the disposal problems of anthrax and diseased animals, are an important part to the solution of these emergencies. Over the months ahead, Headquarters will work out a protocol for disposal issues that arise; we will work with the

Regions to develop that protocol. Certainly, whenever any matter that appears to be a threat arises, RCRA program managers should give that matter priority attention. Headquarters is also working with DOT on revisions to the hazardous waste manifest and some security issues; Regions should coordinate with Headquarters and advise States regarding US manifest policies.

State and Tribal support: Authorization of States and capacity building with Tribes bring a training and technical assistance role for RCRA. At the request of the States and Tribes, OSW asks each Region to identify and address their State and Tribal training and technical assistance needs (the ASTSWMO and TASWER letters give a sense of the major activity this involves - see Attachment 4). Regions should consider providing training and technical assistance support from all EPA components, to the extent that resources permit. Those matters that Regions believe merit national attention should be addressed to Headquarters. OSW has developed a relationship with TIO, ASTSWMO and TASWER, where major training events are posted on the web. OSW also hosts major national meetings and co-sponsors others where training and technical assistance is available for Regional, State and Tribal program managers. OSWER has a history of use of distance learning tools; OSW intends to continue the practice of web broadcasts and information sharing through the web and other systems.

Innovation: Given the heavy RCRA workload and maturity of some program elements, there is a broad focus on innovative approaches to handle environmental problems. In permitting and corrective action, Regions and States have achieved remarkable productivity improvements through innovative, problem-solving approaches. Given the priorities for revitalization, One Cleanup and the Resource Conservation Challenge (RCC), Regions and States that have innovative approaches should inform Headquarters. Headquarters has developed several list servers to assist Regions and States engaged in innovation. OSW will review such sources and others to determine which innovations could be scaled up to the national program, as is being considered for F019, consumer electronics, tires and other matters. As can be seen throughout this document, there are innovations throughout our programs. OPEI and our AA have communicated their full support for such work.

Oversight: A fundamental aspect of federal-state or federal-tribal programs is oversight. The IG and others often remind us of this fact when they conclude we neglect or underperform in this area. Each Region should have a plan for, and conduct periodic reviews of programs and grants managed by States and Tribes. At the same time, Regions should recognize that authorized States have the basic responsibility for implementing the RCRA program, and as authorized programs act in lieu of EPA under their own regulations.

Enforcement: In many aspects of the RCRA program, enforcement is critical to performance and success; e.g., Tribal direct program implementation, RCRA CA, federal procurement responsibility, assistance to generators, environmental justice, public participation, permit evaders. Many RCRA activities, especially from Headquarters to Regions, Regions to States and Tribes, and everyone to the regulated community involve collaboration and cooperation across the RCRA program to achieve results. In some Regions, enforcement is under the same direct division level supervision as the rest of the RCRA programs; some other Regions and Headquarters have the RCRA program in separate functional divisions or offices. Regardless of

the model, it is important to organize a common set of program measures and conduct periodic meetings to check program progress and resolve program issues.

Partnerships: OSW and the Regional waste programs must work to ensure strong partnership arrangements with States and Tribes. Though OSW does not have direct partnerships with the States and Tribes, we do maintain strong ties and working relationships with ASTSWMO and TASWER, and to a lesser extent with ECOS and NTEC. OSW and the Regions have a responsibility to ensure regular, frequent communication and problem-solving with and for their partners. In addition, OSW and many Regions maintain important links to P2 programs, municipal and county organizations, and technical assistance centers. Also, OSW and Regions engage in regular dialogue with citizen groups, NGOs, industry associations and others. Such relationships are critical to the implementation of the national RCRA programs. From great partnerships have come numerous innovations, agreements, pilots and projects that help move the RCRA program forward. OSW and the Regions are working to develop strong lead and sublead Regions. There is so much work and skills are spread so widely, that it is useful for OSW and the Regions to improve their working relationships, by better interaction on a variety of activities. Hence the recent introduction of sublead Regions for specific topics. The Regions and OSW take this responsibility very seriously, with an annual plan and regular check-ins to be sure our communication and performance is satisfactory. Such effort allows the Regions and OSW to work more collaboratively in developing the RCRA program. Each Region should consider how it can participate in this effort and be a partner in environmental problem-solving. Both the revitalization and RCC priorities have partnerships as the major approach in implementing new ideas.

FOIAs: The huge number of RCRA FOIA responses deserves mention, just because it is extraordinary. Every Region and Headquarters is carrying a substantial workload in this area that must be managed well.

B. Corrective Action

Introduction:

Achieving the 2005 GPRA goals is the highest priority of both the RCRA corrective action program and this year's MPA guidance. To achieve these goals, Headquarters is continuing to focus on performance, policy and guidance, and industry (and federal facility) commitments. Regions and authorized States are expected to take all necessary steps to meet their environmental indicator (GPRA) goals by the end of FY2005. This MPA guidance also includes an outlook of the program's draft future GPRA goals currently under development in the Agency's strategic planning process.

The FY2005 GPRA goals are: 95% of high priority RCRA facilities will have human exposure to toxins controlled and 70% of high priority RCRA facilities will have migration of contaminated groundwater under control (using the 1997 baseline of 1714 facilities).

The draft future GPRA goals (FY2006-FY2008) include targets for: site assessments, current human exposures under control, groundwater migration under control, remedy selections, and construction of remedies completed. A discussion of these new measures and performance targets will be included in the Agency's strategic plan which will be finalized in September of 2003.

Environmental justice (EJ) is an important concern as we move toward the corrective action GPRA goals; please see the EJ portion of the MPA guidance, which is located in the Permitting section.

OSW Suggested Commitments:

- Assist the Regions and the States by providing program oversight, guidance, and support in making environmental indicator (EI) determinations.
- Provide the Regions with Headquarters staff support in making environmental indicator determinations. (e.g., providing staff expertise on vapor intrusion as it relates to making an environmental indicator determination at a specific facility, providing staff time (Regional liaisons) to make environmental indicator determinations, or providing staff expertise on enforcement cases).
- In coordination with the Regions, engage both industry associations and corporate/federal facility management to focus their attention on meeting the 2005 EI goals.
- Champion efforts for recognition of environmental cleanups under State non-RCRA cleanup programs and share examples of what is working in different Regions.
- Develop examples of approaches that have been successful in dealing with groundwater cleanup issues.
- Implement the One Cleanup Program per plans announced in April 2003, including coordinating cleanup guidances with the other OSWER offices.
- Continue to develop One Cleanup Program guidance on the use of institutional

controls.

- Work with the Regions to set new baselines and targets for the draft future GPRA goals.
- Identify and resolve issues related to selecting remedies and completing construction of remedies.
- Work with ORD to have them continue site specific technical support for RCRA facilities.
- OSRE will track the use of corrective action orders.

Regional Targets and Expectations:

- The 2005 GPRA goals for Current Human Exposures Under Control and Migration of Contaminated Groundwater Under Control are 95% and 70%, respectively. In the tables shown below, please provide your annual commitments for FY2004, FY2005, and post-FY2005.
- **Provide a narrative discussion that:**
 - Describes your Region's approach to meeting your environmental indicator goals. This discussion should include a description of your coordination with your States, companies (especially ones with multiple facilities in the Region), and federal facilities. This discussion should also include a description of the steps you have been using to encourage innovation and streamlining of the program. Examples may include piloting a potential innovation as a 'Showcase Pilot' and/or moving away from processed-based corrective action (RFI/CMS/CMI) to a results- or performance-based corrective action that is focused on meeting environmental indicators, selecting a remedy, and completing construction of the remedy.
 - By facility, shows the projected month and year that each facility will meet each of its environmental indicators, identifies facilities not expected to meet the 2005 goals, and identifies the key issues that need to be resolved to meet the environmental indicators.
 - Shows any plans your Region has to use enforcement approaches to expedite corrective action and achieve GPRA goals in this agreement. This discussion should include innovative approaches as well as traditional corrective action orders.
 - Addresses what steps your Region will be taking to recognize cleanups conducted under State non-RCRA programs at non-GPRA facilities that are still subject to RCRA corrective action, and provide two examples.
 - Shows what innovations and problems you will be resolving in using institutional controls. Provide an example for us to share with other Regions and States.
 - Describes how you will address groundwater cleanup issues (e.g., cleanup goals as they related to risks and groundwater designated uses, points of compliance, groundwater use, extent to which sources are addressed, etc.) that relate to selecting a final remedy.
 - Describes your planned efforts under the One Cleanup Program and revitalization.

Table I.1: Projections for Achieving EIs and GPRA Interim Milestones for 2004, 2005, and post-2005

	Current Human Exposures Under Control (CA725)		Migration of Contaminated Groundwater Under Control (CA750)	
Fiscal Year	Cumulative		Cumulative	
	Number ⁽¹⁾	Percent ⁽²⁾	Number ⁽¹⁾	Percent ⁽²⁾
2004				
2005				
post-2005				

(1) Cumulative number of facilities projected to meet CA725 or CA750 through end of fiscal year.

(2) Number of cumulative EIs / Number of Baseline facilities *100.

C. Permitting

Introduction:

General: The 2008 GPRA permitting goal of bringing 95% (draft) of baseline facilities under permits or other approved controls will be challenging, and some of the permitting accomplishments will need a long lead time. Headquarters, the Regions and States should develop initial strategies in 2004 for meeting the 2008 goal, including taking advantage of innovative tools for streamlining the permitting process. Regions and States which have not yet met the 2005 goal also need to implement strategies and maintain progress toward meeting that goal.

There is also a draft 2008 goal for permit renewals: by 2008, update release prevention controls for 150 facilities that are due for permit renewal by the end of 2006. In 2004, the focus for permit renewals will be on assuring that RCRAInfo has the necessary data elements for future tracking. Once these data elements are in place, Regions and States can begin to populate the data elements. Regions and States should continue to prioritize original permit issuance over permit renewals.

Hazardous Waste Combustors: Permitting hazardous waste combustors remains an important element of our overall strategy for meeting the GPRA permitting goals. Transition of the compliance and monitoring responsibilities for combustion emissions from RCRA permitting to the Clean Air Act (CAA) National Emission Standards for Hazardous Air Pollutants (NESHAP) is similarly an important element for meeting the 2005 GPRA Safe Waste Management goal of reducing hazardous waste combustion facility emissions of dioxin and furans by 90%, particulate matter by 50%, and acid gases by 50% from levels emitted in 1994, and the 2008 goal of reducing hazardous waste combustion facility emissions of dioxin and furans by 90% and particulate matter by 50% from baseline reference levels of 880 grams/year and 9,500 tons/year, respectively. We expect that many of the combustors in the hazardous waste universe will begin to make this transition in FY 2004 as they document compliance with the NESHAP. As Regions and States issue combustor permits, it will be important to assure that the site-specific risk assessment policy is properly applied and that any risk assessment decisions are defensible on their own merits.

Environmental Justice and Public Participation: By continuing to integrate Environmental Justice (EJ) into our policies and programs at the Headquarters, Regional, and State levels, we can better address or prevent disparities affecting communities near RCRA permitting and corrective action facilities. To address EJ issues at facilities in EJ communities and assure that their GPRA progress is keeping pace with overall progress on the permitting and corrective action GPRA baselines, Regions and States should assure that the necessary policies, strategies, and training programs are in place. Regions and States should also look at innovative ways to empower citizens' groups to ensure successful voluntary cleanups.

Environmental Management Systems: In accordance with the Administrator's May 2002 Position Statement on Environmental Management Systems (EMSs), and as one of the key strategies

identified to implement the RCC, Headquarters and Regional RCRA programs should be encouraging widespread use of EMSs at RCRA TSDFs and generators, with emphasis on improved environmental performance and compliance, pollution prevention and continuous environmental improvement. OSW will work with Regions and States to attain this goal through the dissemination of information on EMSs, development of appropriate guidance and policy, and implementation of pilot projects.

OSW Suggested Commitments:

General Permitting:

- Provide tools to maximize efficient/effective use of RCRA permitting resources and advance progress toward GPRA permitting goals, including:
 - Standardized Permit Rule authorization and implementation assistance
 - Model Standardized Permits,
 - Model Standardized Permit Applications,
 - Draft e-permitting forms (smart forms), and
 - Draft e-permitting best practices and system requirements documents.
 - Make GPRA permitting status charts and facility-specific status available to Regions, States, and the public -
<http://www.epa.gov/epaoswer/hazwaste/permit/pgpraprpt.htm>,
- Work through the permitting Program Area Analysis (PAA) to develop criteria for the 2006-2008 GPRA permitting baseline and to put data elements in place for tracking permit renewals.
- Work with the Subpart X workgroup to identify and prioritize needs with respect to removing hurdles to OB/OD permit issuance, and to plan a strategy to jointly address highest priority needs.

Hazardous Waste Combustion:

- Provide Permitting, Implementation, and Testing Frequently Asked Questions in the Hazardous Waste Combustion NESHAP Toolkit.
- Implement an OSW/OGC level review of regional site-specific risk assessment decisions.
- Develop and publish a notice of proposed rulemaking for the NESHAP Phase I Replacement Standards and Phase II Standards.

Environmental Justice/Public Participation:

- Establish a database, based on 2000 Census data, for use as an initial screening tool to identify hazardous waste facilities located near potential EJ communities in each Region.
- Work with Regions and States to determine whether GPRA progress made in potential EJ communities is keeping pace with progress made in non EJ communities, and address accordingly.
- Provide assistance to and at the request of the Regions on conducting EJ Training classes.

Environmental Management Systems:

- Identify and distribute information on EMS training opportunities for Regions and States.
- Develop and distribute suggested approaches to encourage and facilitate use of EMSs at RCRA facilities and identify elements of an effective EMS.
- Convene focus groups to identify barriers to EMS implementation and approaches to removal of those barriers.
- Develop an EMS website for the RCRA program that includes links to information to assist Regions, States and facilities in the implementation of EMSs.
- Identify sectors of RCRA facilities where EMS assistance would be most fruitful.

Regional Targets and Commitments:

General Permitting:

- The annual performance achieved for permitting or other approved controls is 78.6% for FY2004. The permitting goals are 80% for 2005 and 95% (draft) for FY2008. In the table shown below, please provide your annual commitments for FY2004 and FY2005 and your projections for the remaining years for meeting these goals.
- **Provide a narrative discussion** that summarizes your Region and your states' strategies to meet the 2005 (if not already met) and 2008 permitting goals. Please include how you will take advantage of innovative approaches, such as the standardized permit rule, flexible approaches to bring post-closure units under controls, and e-permitting, to improve efficiency and effectiveness in working toward these goals.
- Provide your strategy (i.e., statistical sampling of data, etc.) to ensure that RCRAInfo is kept updated (particularly for the legal and operating status codes) and that post-closure verifications are sent in.
- **Please indicate**, from the list to be provided by HQ, of the facilities that are not under approved controls, what year each of those facilities is expected to meet the goal. If a facility is not expected to come under control until after 2008, cite the reason. This list will be used in part to develop a national permitting strategy. This information should agree with the annual projections below. You can use your existing spreadsheets if you can include all the requested information. In addition, for subpart X units, please correct or fill in the specific type of unit (e.g., OB/OD).
- Develop agreements with your States on when each facility not under approved controls will meet the permitting goal.

Commitments for bringing facilities under approved controls for FY04 and 05, and projections for FY06, 07, and 08.					List the number of facilities not expected to meet goal until after FY08.
FY04	FY05	FY06	FY07	FY08	

Hazardous Waste Combustion:

- Regions and States should ensure that progress in the combustion universe keeps pace with the 2004 annual performance goal for permitting of 78.6% for FY2004, the 2005 permitting goal of 80% and the 2008 permitting goal of 95% (draft). In the Combustion Permitting Commitments and Projections table shown below, please provide your annual commitment for FY2004 and FY2005 and your projections for the remaining years for meeting these goals.
- The transition of the Phase I hazardous waste combustors from RCRA permitting to CAA Title V permitting has been an ongoing process marked by various milestones. We will soon be reaching a milestone in the transition process where facilities will be no longer required to have RCRA permit conditions based on the RCRA emissions standards. Before these conditions can be removed from existing RCRA permits however, facilities must successfully demonstrate compliance with the HWC NESHAP by submitting a notification of compliance (NOC). The NOC is the most significant indicator of successful transition out of RCRA and so we ask you to commit to providing information that documents this milestone, by completing and submitting the second table below, by March 31, 2004, and again by September 30, 2004.
- **Provide a narrative discussion that:**
 - Summarizes your Region and your States' strategies to ensure that the transition of responsibilities from RCRA to the CAA for compliance and monitoring of hazardous waste combustion emissions is effectively implemented.

	Percentage
Permitted through FY 2003	
FY 2004 Commitments	
FY 2005 Commitments	
FY 2006 Projections	
FY 2007 Projections	

Status table to be completed and submitted by March 31, 2004, and September 30, 2004:

Transition Progress from RCRA to CAA	
Number of HWCs subject to the Phase I NESHAP	
Number of NOCs received documenting compliance with the Phase I NESHAP	
Number of RCRA permit modifications to remove emissions terms and conditions	
Number of RCRA emissions sunset permit conditions activated	

Environmental Justice/Public Participation:

- Work with Headquarters as needed, based on results of the GPRA permitting/corrective action demographics study, to address GPRA progress rates in EJ areas.
- **Provide a narrative discussing** your Region and your States' strategies to assure that implementation staff have the capability and awareness to identify and address EJ issues.
- Explore and identify opportunities to pilot innovative approaches for empowering citizens' groups to ensure successful voluntary cleanups.

Environmental Management Systems:

- In concert with State programs, and with the assistance of Headquarters, encourage, facilitate, and remove barriers to the adoption and implementation of EMSs at RCRA TSDFs and generators.
- **Provide a narrative discussing** your strategy for the above, including:
 - Your plan to ensure completion of basic EMS awareness training for appropriate Regional and State managers and staff, as well as more advanced instruction for selected staff as needed.
 - How the Region and States will promote EMSs to key industry sectors.
 - Any facility-specific or State-wide approaches the Region or States plan to take to promote EMSs, such as pilot projects or facility-specific marketing or technical assistance.

D. RCRA Tribal Program

Introduction:

The Agency is responsible for implementing the RCRA program in Indian country with a goal of assisting Tribes to implement the RCRA program directly. In this respect, EPA is responsible for the permitting and compliance of TSDFs on Tribal lands and for RCRA compliance for large quantity hazardous waste generators. We also help Tribes implement solid waste programs that are protective of human health and the environment. We accomplish this through our Interagency Open Dump grant program, facilitating solid waste improvements with Agency Tribal assistance projects at the Headquarters and Regional levels, and by encouraging work-share agreements or other cooperative arrangements with Tribal governments, the American Indian Environmental Office (AIEO), OECA, other Federal agencies, States, and local communities.

Tribal needs far exceed available resources. The clean up of open dumps remains critical but does not address the equally critical need to prevent future open dumps. Preventing future open dumps through capacity building over the long term, through continued technical and compliance assistance, is essential. EPA created a multi-agency solid waste work group to coordinate and leverage open dump resources, but our efforts fall short of the demonstrated need of Tribes. It is now crucial that we gather data to define the unmet need, as a first step toward enhancing our Tribal capacity building and compliance assistance activities.

OSW Commitments:

- Provide support and funding to Tribes to help upgrade solid and hazardous waste programs, close or upgrade existing high threat open dumps on Indian lands, and develop integrated solid waste management plans, codes and regulations. Funding is provided through the Tribal Interagency Open Dump Cleanup Project, Hazardous Waste Management Grants for Tribes, and Regional Reserve.
- Maintain a national grant tracking database and prepare annual progress report in coordination with OECA's Annual Report on RCRA C and D projects.
- Review grant programs to assess effectiveness of the efforts and resources spent.
- Meet with OECA quarterly to discuss and coordinate solid waste projects and reporting.
- Provide the Regions with specialized RCRAInfo data queries to help identify RCRA facilities that might be impacting Tribal lands or treaty protected resources.
- Provide information, training, outreach tools and a tribal waste management web site on RCRA issues including backyard burning, for Regions and Tribes.
- Issue a national policy on reviewing Tribal site-specific flexibility requests for part 258 landfills.
- Ensure database of Tribal waste information is established.
- Establish Annual Performance Goals (APG) and measures based on inventory data provided by the Regions.
- Seek funding and other resources to achieve these APGs.
- Work with AIEO on use of GAP funding for Tribal waste programs.

Regional Targets and Commitments:

- Assure that TSDFs on Tribal lands are permitted and inspected, and that large quantity hazardous waste generators are identified and inspected. Please show your targets in the tables shown below.
- Assure that Tribal integrated solid waste management programs are protective of human health and the environment. Please show your targets in the tables shown below.

Commitments for permitting and inspection of TSDFs on Tribal land in FY04 and 05, and projections for FY06, 07, and 08.					List the number of facilities not expected to be permitted/inspected until after FY08.
FY04	FY05	FY06	FY07	FY08	

Commitments for inspection of RCRA LQGs on Tribal lands in FY04 and 05, and projections for FY06, 07, and 08.					List the number of facilities not expected to be inspected for compliance until after FY08.
FY04	FY05	FY06	FY07	FY08	

Targets for development of Tribal Solid Waste Management Plans in FY04 and 05, and projections for FY06, 07, and 08.					List the number of Tribes that will not have SWM plans after FY08.
FY04	FY05	FY06	FY07	FY08	

Targets for increasing the number of Tribes in your Region with integrated waste management programs in place (Tribes implementing their plans) in FY04 and 05, and projections for FY06, 07, and 08.					List the number of Tribes that will not have programs in place after FY08.
FY04	FY05	FY06	FY07	FY08	

Targets for Clean up/closure of open dumps in FY04 and 05, and projections for FY06, 07, and 08.					Estimate the number of open dumps not expected to be cleaned up or closed by the end of FY08.
FY04	FY05	FY06	FY07	FY08	

Provide a narrative discussion that describes:

- How your Region will verify/validate the accuracy of RCRAInfo data by comparing the results of OSW data queries identifying RCRA facilities that might be impacting Tribal lands or treaty protected resources against existing Regional data or by sharing the results with Tribes.
- How your Region will provide yearly progress reports for any grants awarded through the Tribal Solid Waste Interagency Workgroup and the Hazardous Waste Management Grants for Tribes programs (e.g., copies of reports submitted by grantees, summaries written by the Regional staff, etc.).
- How your Region plans to identify, quantify, characterize, and support the closure of open dumps in Indian Country; develop tribal Integrated Solid Waste Management Plans and Tribal waste regulations/codes; support the development of transfer stations, collection services, and Tribal programs to address recycling, waste minimization, HHW, junk car abatement, or other projects.
- Plans to provide training to help Tribes improve waste management.
- Work with your Region's Indian Program Office to support solid and hazardous waste activities conducted under GAP grants.
- Coordination with other federal/state/local agencies to improve waste management programs and activities in Indian Country.
- Planned site-specific flexibility activities for owners/operators of MSWLF's in Indian Country. List MSWLF and site specific flexibility requested by Tribes.
- Assistance for communicating the hazards of backyard burning in Indian Country.
- Government-to-Government work with Tribes to develop an effective direct implementation strategy for waste management.
- Opportunities to participate in corrective action and revitalization efforts on Tribal lands.

E. Resource Conservation Challenge (RCC)

Introduction:

The RCC is a new program that has not been discussed in past plans (BYP). However, the goals of the RCC are not new to the program, and were covered in varying degrees in the Subtitle D - Solid waste section of past BYPs. The goals are to foster source reduction and recycling to prevent the release of targeted chemicals into the environment; to increase source reduction and recycling of wastes to improve materials utilization in the U.S.; and to recover energy through improved materials utilization and waste conversion. The RCC challenges EPA's partners and all Americans to take action on these fronts.

The RCC activities presented below address priority environmental and waste management challenges, cutting across a number of sectors and participants. These activities are provided in two categories. The first category includes the core activities that should be done in each Region. The second category includes additional activities that are evolving and growing. We encourage each Region to consider developing and implementing some of these additional activities, especially those that fit into Region-specific priorities. All of the activities presented below apply innovative and entrepreneurial Federal roles, which can inform, support, and facilitate the actions of other key players. EPA activities often feature voluntary, shared responsibility arrangements with a variety of partners in other EPA and Federal offices, State, local, and tribal governments, businesses of all kinds, NGOs and trade and professional organizations, and the general public.

The RCC planning process is currently developing coordinated goals, objectives, and measures for the future growth of the RCC, as well as lists of priority projects in the RCC "clusters." In addition, forums are planned to obtain stakeholder involvement in this process. Through these planning effort and otherwise, the RCC is also leading to additional integration of related efforts between OSWER and OPPTS. As these new RCC developments unfold, they will be added to subsequent MPA guidances.

The FY2005 GPRA goal is to reduce the waste minimization priority chemicals in our nation's hazardous waste streams by 50% as compared with a baseline year of 1991.

OSW Suggested Commitments:

- Support the growth of **markets** for recycled content products through continued development and implementation of the RCRA Section 6002 Comprehensive Procurement Guidelines (CPG), the Jobs Through Recycling (JTR) partnership with State and Tribal officials, and the procurement activities of the **WasteWise** program and its partners.
- Work with the Office of Federal environmental Executive (OFEE) to help agencies with **CPG** purchasing.
- Participate on the Agency **EO 13101** Committee to help EPA buy and measure its green purchasing goals. OSW will support America Recycles Day events, Earth Day events and other programs that promote the RCC.

- Work with OARM on EO 13101 **Interagency** Committee.
- Use **economic incentives** to change behavior in cost-effective ways, including continued development and distribution of tools under the Pay-As-You-Throw and Resource Management (innovative solid waste contracts) programs.
- Increase the number of partners in the **WasteWise** program to 1,500 by 12/31/04.
- Increase the number of partners in the **Coal Combustion Products Partnership** to 150 by 12/31/04. Develop strategies for waste reduction and beneficial use for other **industrial non-hazardous waste streams**, working with key external stakeholders to provide incentives and reduce barriers.
- Facilitate use of the **Industrial Waste Management Guide** associated with plans for the development of at least one major disposal unit in each Region, as applicable.
- Use the convening and facilitating powers of the Federal government to challenge key industry and other stakeholders to make dramatic progress in such **product stewardship** sectors as electronics, carpets, beverage containers, and automobiles.
- Provide **data and analysis** characterizing the composition, management, and trends in non-industrial Subtitle D waste streams, as well as the environmental and economic consequences of various waste management approaches. Focus on the links between waste and climate change, and between waste and economic growth. Solicit Regional and State needs in these areas. Much of this information is developed through the Franklin Report, the JTR program, and the Climate Change Program.
- Target additional **sectors** where coordinated Federal actions can improve environmental performance (e.g., consider opportunities for green buildings and organics) and develop action plans, including identification of EPA resource needs.
- Provide **technical assistance** to solid waste professionals, through such means as web sites, list servers, satellite broadcasts, training, conference appearances, and guidance.
- Develop and disseminate **information to the public**, including Tribes and other under served communities, on waste prevention, recycling, pollution prevention, and energy issues. Focus on reaching people in multi-family, commercial, and away-from-home settings, and on developing with external partners new communication messages based on market and demographic research.
- Support and continue to develop the **Waste Minimization Partnership Program** (WMPP) as we work towards the RCRA Program goal of a 50% reduction of priority chemicals by 2005.
- Through national level meetings with target industrial sectors, based on potential for large volume reductions, identify potential WMPP members to Regions for recruitment. This will augment Regional recruitment efforts.
- Facilitate meetings between Regions, States and facilities as needed to negotiate specific voluntary priority chemical reduction goals and enroll new members in the WMPP.

- With Regional assistance, develop a WMPP steering committee composed of OSW and Regional members, to be coordinated with States, which will help to formulate program policies, recruitment targets and procedures for implementing and maintaining the program.
- Develop tools for Regions and States to assist them in meeting the goals of the RCC; coordinate national, Regional, and State RCC activities, when feasible, integrate the RCC into existing, related Agency efforts.
- Develop Region-specific data packages to assist Regions in targeting specific industries/facilities for WMPP membership based on their potential for large-volume reductions of priority chemicals.
- Develop a central WMPP website designed to track information on recruitment, award applications and approvals, and industrial success stories. The web-site will include a WM "partner to partner" information sharing mechanism on how reductions were achieved.

Regional Targets and Commitments:

Note: RCRA resources for activities not directly related to the hazardous waste regulatory program have often been limited in many Regions and States. As the Resource Conservation Challenge is more fully developed and implemented, it is expected that this balance will change and more resources will become available for RCC activities. The current resource situation will be taken into account in MPA discussions.

- **Provide** future specific Regional programmatic responses and resource commitments for the following core activities:
 - Champions and activities to support the 2003 RCC clusters: Electronics, Tires, Paper, Green Buildings, Schools, Hospitals, Targeted chemical reductions, Industrial waste/materials, and Construction and demolition debris.
 - Activities related to achieving the National Waste Minimization Partnership Program goal of 50% reduction of priority chemicals in wastes, including strategies in each Region for recruiting companies into the program who have been identified as the biggest sources of these priority chemicals.
 - Participation by each Region in recruiting new members into WasteWise and establishing each Region as a WasteWise partner.
 - Participation by each Region in "Plug-In to Recycling" campaign and other elements of EPA's electronics recycling initiative.
- **Provide** an outline of your plans to try to address any of the additional activities listed below.
 - Establish a procurement guidelines education and compliance monitoring program for Federal facilities in each Region.
 - Promote the achievement of the Coal Combustion Products Project (C2P2) goals by recruiting at least one new partner in each State who will help increase the use of coal combustion ash in products.

- Assist in market development for other products, not described above, with recycled content (Other RCC targets to be identified by 5/03).
- Other product stewardship activities for the RCC targets.
- Technical assistance related to source reduction, materials and energy recycling and energy savings/generation to solid waste professionals.
- Information to the public to promote source reduction and recycling of resources and energy, including efforts to target materials to previously underserved communities or groups.
- Identify training and outreach on recycling, solid waste management and source reduction.

F. Subtitle C- Hazardous Waste Identification & Management

Introduction:

OSW seeks to further reduce or control unacceptable risks to human health and the environment from wastes. To accomplish this reduction/control of unacceptable risks, we will identify which wastes pose those risks and more effectively target wastes posing unacceptable risks. In FY 2004, EPA will continue its comprehensive review of hazardous waste identification, definition, and recycling regulations. Our goal will be to determine if our current hazardous waste listings and definition of solid waste regulations provide the proper level of protection, including assessing if there are less costly management approaches that provide equivalent protection of human health and the environment. This reassessment and implementation of recommendations will provide essential support to the Resource Conservation Challenge by facilitating hazardous waste recycling.

OSW Suggested Commitments:

- Implement the following guidance documents:
 - Compliance with RCRA Subtitle C Requirements at Academic/Educational Chemistry Laboratories (Beginning in Fall 2003 and continuing into 2004).
 - Compliance with RCRA Subtitle C Requirements at Wood Treating Plants Converting from CCA to Alternative Preservatives (Beginning in Spring 2003 and continuing through the 2003 calendar year).
- Promote innovative solutions to delisting F019, building on Region 5's model approach (Beginning Fall 2003 and continuing into 2004).
- Update the SW-846 Methods Team homepage as new methods are posted.
- Work with stakeholders regarding any outstanding issues identified in any of the response to comments documents from the SW-846 Methods Innovation proposed rule.
- Finalize SW-846 Methods Innovation rule.
- Work with the Regions to determine what assistance is needed, identifying specific issues that need HQ input (Continuous effort).
- Provide timely responses to questions (Continuous effort).
- Provide training and/or support regarding the waste sampling guidance document, and choosing appropriate methods during the DQO process.
- Solicit Regional involvement and input in regulatory, policy, and guidance document development and coordinate with other workgroup members (Continuous effort).
- Provide to the Regions and other rulemaking workgroup members a detailed schedule for all regulatory actions, and update the schedule if there are any delays in meeting the milestones, along with a description of the reasons for the delays.
- Conduct internal and external stakeholder meetings as appropriate.
- Develop communication and outreach strategies for regulations, policy, and guidance document development and implementation (for all guidances and regulations).

- Provide implementation assistance as requested.
- Communicate periodically with appropriate Regional Program and Enforcement staff.
- Develop plan to assemble information on the types of hazardous wastes that are being reused or recycled. Implement plan in FY 2004.
- Develop plan to assemble information on industrial sectors or waste streams that could be targeted for increased hazardous waste recycling. Implement plan in FY 2004.
- Develop plan to inventory already identified regulatory barriers to hazardous waste recycling and solicit ideas on other regulatory barriers. Implement plan in FY 2004 and share results.
- Explore alternative, non-regulatory approaches (Continuous effort).

Regional Targets & Commitments:

- Participate in regulatory, policy, and guidance development workgroups.
- Help Headquarters in gathering site-specific information relevant to rulemaking, as requested.
- Work with HQ F019 team to develop innovative solutions and implement those solutions in Regions and States.
- Pilot innovative solutions to specific issues, e.g., Region 1's efforts with academic labs and Region 3's efforts with electronics.
- Seek regulatory interpretations on a timely basis to provide sufficient time for a full dialogue and management input.
- Raise controversial issues or interpretations prior to taking enforcement actions.
- Process delisting petitions in a timely manner.
- Update RCRA groundwater monitoring statistical "Unified Guidance" and possibly finalize in FY2003 as a Regional document.

G. Subtitle D - Solid Waste

Introduction:

Subtitle D national priorities for FY2004 derive from RCRA's mandate that EPA provide national leadership in solid waste management and approve State MSWLF programs. EPA has promulgated standards for MSW disposal facilities and approved 49 State MSW landfill permitting programs, including 7 partial approvals. In FY2004, EPA will continue to work with the States to complete the approval of all State permit programs, including those with partial approval.

EPA has also approved 29 State permit programs for solid waste disposal facilities other than municipal solid waste landfills that receive conditionally exempt small quantity generator (CESQG) hazardous waste. In FY2004, EPA will continue to work with the States to complete the approval of all CESQG disposal facility State permitting programs.

Additionally, there are a number of issues related to the management of MSW in landfills that require EPA's involvement, such as citizens' complaints about landfill siting and operation, citizen petitions involving approved State programs, enforcement actions under RCRA Section 7003, recirculation and bioreactors, and other emerging issues.

Note: Many of the activities provided in the Subtitle D Solid Waste section of past plans (BYPs) are now reflected in Section E (Resource Conservation Challenge) of this plan.

OSW Suggested Commitments:

- Work to propose draft Leachate Recirculation Rule in 2004.
- Work with the Regions and States through ASTSWMO on supporting efforts to ensure compliance with landfill requirements.
- Work with Regions, OECA, OPPTS and OGC to resolve landfill issues such as stubble burning, CCA disposal, homeland security and diseased animal disposal.
- Continue work and coordination on bioreactor landfills; continue to facilitate meetings among ORD, States, industry and universities to understand and resolve technical details on operation and monitoring bioreactors.
- Work with ORD, Regions, States, and researchers on resolving data for the 30 year post closure requirements.
- Maintain the National Landfill Database with information provided by ASTSWMO.
- Backyard burning (BYB) is an environmental concern for OSW and OPPTS in FY 2004. The Headquarters program will develop information and statistics on backyard burning, hold quarterly workgroup conference calls and work on developing tools to help States and local governments discourage or ban BYB.
- Work with OFEE, OECA, OPPT and OARM on RCRA section 6002 provisions and EO 13101, and will communicate activities to Regions.

Regional Targets and Commitments:

- **Describe** any State program approvals that you may have pending, new targets, and identify those additional programs that will be approved in FY 2004.
- **Describe** your working relationship with the States in your Region and identify opportunities for working with them. If possible, discuss recycling rates and programs of your States.
- **Provide** future specific Regional programmatic responses and resource commitments for conducting at least one outreach or education program to promote the use of the nonhazardous industrial D guidance.
- Share information, through the Agency workgroup, on issues relating to the hazards of BYB.

H. Environmental Information

Introduction:

Information on our program's progress is a key element in our ability to establish priorities within the RCRA program, to share important parts of the RCRA program with others in EPA and with our program partners, to keep the public informed about what we're doing to help protect the land, and to know that we're on track to accomplish what we want to accomplish. We will expand our use of environmental information surrounding the national waste program through a combination of newly focused analyses of information related to the spectrum of wastes and selected waste constituents and potential for reuse of land made available through RCRA cleanup, expansion of Regional-level reports, use of web-based tools to share information and ideas among the EPA community and our partners. The Regions will provide an integral contribution to the information sharing, including "idea-sharing" and cross-fertilization of innovative ideas/approaches which have cross-regional implications and usefulness.

Information for Setting Priorities:

OSW has launched an effort targeted at expanding analyses of wastes and chemicals of concern. The focus of the analyses is those areas that pose particularly difficult challenges or have not been addressed by the RCRA program. More specifically, OSW will work with a variety of stakeholders to determine what those areas may be; to review of the strategies and policy tools available for addressing the challenges; and to identify work currently underway in OSW and the Regions. This effort will look at the broad spectrum of materials which make up the total quantity of waste generated - industrial waste, special wastes, RCRA-managed hazardous waste, construction and debris, municipal solid waste and Clean Water Act Wastewater (hazardous).

As part of the Resource Conservation Challenge Program, EPA will rely on information to assist in determining where targeted waste reduction, recycling and energy recovery efforts will provide the greatest advance toward RCC goals, while capitalizing on efforts of RCC partners, including States, local governments, and the business community. At times, the public dissemination of information related to the RCC will be one approach to achieving RCC goals and objectives.

The RCRA Corrective Action program is a major component of EPA's national goal of returning formerly contaminated sites to long-term, sustainable, and productive use. Through the utilization of information associated with RCRA Corrective Action facilities, the program will evaluate its policies and guidelines to determine where it can refine approaches to cleanups to facilitate beneficial site reuse. In addition, key Corrective Action performance information will be shared with the public to ensure continued performance by facility owners.

Sharing Information:

Sharing of information related to America's waste programs is a vital component in the RCRA strategy to implement effective waste reduction, waste management and facility cleanup operations. In addition to the information collected and disseminated nationally through

RCRAInfo, we are pursuing additional venues for helping to ensure better management of waste-related information - not as new databases of information – but rather as a means for harnessing internet-based information already in existence. As demonstrated through the successful development and implementation of RCRAInfo, we must exploit the use of web-based tools to manage and share information.

Tracking Program Progress:

The ability to translate programs into meaningful accomplishment of environmental goals and accompanying interim targets is vital to our ability to concretely tell other governmental organizations and the public what impact we're having on the nation's waste reduction and waste management. The RCRA program took a major step forward in its ability to maintain and make accessible reliable and useful data by developing and implementing RCRAInfo. Regions, States and Headquarters have invested substantial effort into setting in place a system that meets the needs of the customer. Part of our commitment includes an on-going active obligation to environmental information within RCRA.

OSW Suggested Commitments:

Information for Setting Priorities:

- Establish cross-office team with the appropriate expertise and commitment to conduct analysis on the “waste wheel.”
- Present preliminary information on various slices of the “waste wheel” (e.g., what they contain, how they have been managed here-to-fore, and what the opportunities are in the future).
- Manage RCC cluster dialogue/recommendations on information needs to support goals/measures – including working with partners and other stakeholders to define those requirements.

Sharing Information:

- Establish and maintain the Regional Senior Policy Advisors “idea sharing” internet-based tool which allows Regional offices to share innovative/emerging ideas on waste management activities within the RCRA program.
- Maintain RCC Tracking System - Lotus Notes Quickplace.
- Develop an RCC Interactive On-Line Communications System.

Tracking Program Progress:

RCRAInfo - Change Management; System Maintenance

- Address the functionality of RCRAInfo V2 and correct outstanding software bugs.
- Institutionalize change management process for non-Program Area Analysis (PAA) changes.

Data Needs Analyses - WIN Informed

- Support the PAA for Handler Monitoring and Assistance (Enforcement lead); - sponsor executive steering committee meeting in April for option selection.
- Begin the Permitting and Corrective Action PAA for corrective action and permitting; serve as co-lead with the States on the PAA.

Performance Measurement

- Release updated Waste Min Trends Report (April) - includes 1999 and 2000 data. Additional update with 2001 data to be released in late fall 2003.
- Develop several regional specific reports (using BR and TRI data) to focus waste minimization recruiting for the RCC Waste Minimization Partnership Program.

Regional Targets and Commitments:

Tracking Program Progress:

RCRAInfo - System Maintenance

- Negotiate/monitor/maintain MOUs with States on RCRA data maintenance responsibilities.
- Keep Regional input into RCRAInfo up-to-date; work with States to ensure State data is updated and of good quality.

RCRAInfo - Change Management

- Interface with States in identifying and resolving problems involving RCRAInfo.

Performance Measurement

- RCC Tracking System - participate in communications/tracking of RCC projects through Lotus Notes Quickplace; work with States on tracking projects.

One Cleanup Program

The Environmental Protection Agency (EPA) is leading this initiative in response to issues raised by the regulated community, citizens impacted by contaminated properties, and other governmental agencies. Its goal is to improve the coordination, speed, and effectiveness of cleanups at the nation's contaminated sites. The One Cleanup Program is EPA's vision for how different cleanup programs at all levels of government can work together to meet that goal and ensure that resources, activities, and results are effectively coordinated and communicated to the public.

The One Cleanup Program will not require new legislation or program restructuring. Instead, it is a long term initiative designed to support the ongoing planning and quality improvement efforts of EPA cleanup programs. It does this by encouraging improved coordination among EPA programs and with state, tribal, local and other federal agency programs and stakeholders. This initiative also will help EPA advance the principles of the President's Management Agenda which include budget and performance integration, improved financial performance, strategic management of human capital, and expanded electronic government.

The One Cleanup Program establishes activities that will lead to:

- More consistent and effective cleanups
- Clear and more useful information about cleanups
- Better cross-program performance measures.

This initiative involves EPA cleanup programs dealing with brownfields, federal facilities, leaking underground storage tanks, RCRA and Superfund. The results of the One Cleanup Program will be evaluated on a regular basis and considered in annual planning processes.

EPA's Office of Solid Waste and Emergency Response (OSWER) and Office of Enforcement and Compliance Assurance (OECA) will lead the initiative. EPA worked closely with the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) and other state and tribal representatives to develop the initiative. State and tribal cleanup programs are encouraged to voluntarily participate in the program objectives within their existing standards and resources. The success of the One Cleanup Program is very dependent on partnerships and effective communication - with the public and among waste site cleanup programs.

EPA's Vision for the One Cleanup Program

The nation's cleanup programs will work in harmony to achieve effective and efficient cleanups that protect human health and the environment, and support revitalization of communities. Cleanup programs will coordinate to promote sound and protective remedies, shared science and technical approaches, seamless public information systems, and the mutual acceptance of policies and results.

The One Cleanup Program will lead to three major improvements:

1. More consistent and effective cleanups

The regulated community has expressed concern that inconsistent and duplicative approaches taken by different regulatory agencies create inefficiency and confusion. Increased effectiveness of cleanups and more efficient use of resources can be achieved by sharing lessons learned, recognizing successful alternative approaches, and developing more consistent policies and guidance. **Cleanup programs should work together to make greater use of all available authorities, and select the optimum programmatic tools to increase the pace, efficiency, and quality of cleanups.**

2. Clear and more useful information about cleanups

Citizens impacted by contaminated properties have stated that it is vitally important that EPA work with the nation's cleanup programs to combine and integrate information systems in order to provide clear and useful information about the cleanup and revitalization of contaminated sites.

3. Better performance measures

The President and Congress have emphasized the need for performance measures that clearly show the performance of EPA's environmental programs.

EPA will work with all cleanup programs to develop meaningful measures that demonstrate the overall effectiveness and benefit of the nation's combined cleanup efforts, so we can assess the results and appropriately request, prioritize, and apply our limited resources.

Implementation - Action Plan

To improve in the three areas discussed above, EPA will work with the nation's waste cleanup programs to plan and to implement the following initiatives/activities. EPA will regularly evaluate the results of these activities and adjust the One Cleanup Program as appropriate. EPA will also consider these results in its annual planning processes.

Initiative I - More Effective and Consistent Cleanups

The following actions will provide opportunities for cleanup programs to coordinate and plan together on specific problems. These activities will lead to:

- faster, more effective and efficient cleanups

- application of the most appropriate authorities and approaches
- clear direction for future application of resources

Action Item 1 - Area wide pilot projects

EPA will work with the regions, states, tribes, local governments and other federal agencies to select and conduct area wide pilot projects. They will be chosen to demonstrate cross-program coordination and consistency in cleaning up groups of co-located or similar contaminated sites. These pilots will be closely observed to identify successful approaches and systems that can be further developed and incorporated into future plans and activity. The pilots also will be designed to study potential integrated information systems and better cross-program measures of success, as discussed under Initiatives II & III.

Action Item 2 - One Cleanup Program Council

Under the direction of the Assistant Administrators of OSWER and OECA, a standing council of directors from the nation's waste cleanup programs will convene regularly to provide a coordinated, high level perspective of critical waste cleanup issues.

Action Item 3 - Cross-program task forces

Cross-program task forces will conduct more detailed analysis of critical cleanup issues and support new policy guidance, as appropriate. The task forces will actively work with programs and stakeholders to encourage implementation of new approaches as they relate to these issues. Initial task forces include:

- Groundwater Cleanup
- Site assessment decision making (consider ways to ensure the best combination of program approaches for categories of sites or large, challenging problems)
- Long term site stewardship (post-construction, financial assurance and technical issues)

EPA is also considering the formation of work groups between OSWER, the Office of Prevention, Pesticides and Toxic Substances (OPPTS) and the Office of Water (OW) to address cross-media cleanup issues related to PCBs, lead, asbestos and the cleanup of watersheds.

Action Item 4 - Federal facilities, executive leadership policy steering committee

EPA will convene a steering committee comprising Assistant Secretary/Assistant Administrator level executives from federal agencies involved in the cleanup of contaminated sites. The committee will identify and coordinate cross-agency cleanup issues. It will be supported by cross-agency work groups to conduct and develop more detailed analysis and guidance for the issues considered by the committee.

Initiative II - Clear and Useful Information About Cleanups

EPA will work with states, tribes, and local communities to develop an integrated network of systems that provides clear and useful information about the cleanup of contaminated sites. This network of systems will clearly identify the agencies involved, the strategy for cleanup, and those responsible for safeguarding institutional controls and providing long term monitoring and maintenance at contaminated sites.

"Sites in My Community" information network/linked systems

EPA will develop - and encourage states, tribes and local governments to develop – compatible and linkable systems that contain information about cleanups at contaminated sites. The goal is to create a network of linked systems that can be easily accessed and that includes:

- current contacts and information about involved federal/state/tribal/local agencies
- a description of multiple program coordination and cleanup approaches
- a description of site activities, status, and cleanup requirements
- long term monitoring and maintenance requirements
- links to institutional control tracking systems
- links to waste sites technologies information systems, and
- information about property available for reuse.

EPA will begin this effort through pilot projects with states that are developing these kinds of systems and link to them through such tools as EPA's Window to My Environment.

Institutional controls tracking network/linked systems

EPA will lead a national effort to develop linkages between systems for tracking institutional controls, a critical component for ensuring the long term protectiveness and safety of cleanups.

EPA will work with local governments, states and regions to pilot and expand existing efforts to develop comprehensive and dependable tracking systems. EPA will lead this effort with the goal of achieving a network of linked tracking systems that can confidently be used to track institutional controls and requirements for long term cleanups.

Waste sites technologies information system

EPA will build on existing systems and efforts to speed up and broaden the transfer of scientific and technological information about contaminated sites and cleanups. EPA will include information that allows users to more effectively understand, anticipate and influence emerging science, technology, and policy issues.

Initiative III - Better Measures of Progress

EPA will evaluate and pilot the development of performance measures that demonstrate the overall effectiveness and benefit of the nation's combined cleanup efforts. Over the next year, EPA will collaborate with its partners to consider new cross-program measures in four areas: (A web link with additional details will be provided soon.)

1. Protection of human health through waste cleanup activities
2. Protection of the environment and ecology through waste cleanup activities
3. Amount of land made available through cleanup activities for productive uses, and
4. Economic benefit of waste cleanup activities.

Conclusion

Many of the activities laid out here are underway. Details for others will be posted on the EPA website as they become available.

In short, the One Cleanup Program applies cross-program, cross-agency thinking and planning to the universe of contaminated sites. It pools the best ideas, experiences and innovations from each program so that they can be applied to all programs. In this way, every cleanup project in every community can benefit.

EPA Land Revitalization Agenda

The goals of the EPA Land Revitalization Agenda are to:

- **Clean up our nation's contaminated land resources so that communities are able to safely return them to productive use; and**
- **Ensure that cleanups protect public health, welfare, and the environment; ensure that cleanups are consistent with future land use; communicate information about cleanups that may be relevant to reuse.**

EPA's Land Revitalization Agenda provides a menu of policies and practices the Agency may employ to further reuse as a part of clean up in Regional Reuse Work Plans and through other national efforts.

Objective: Integrate Land Reuse into Cleanup Programs

- *Conduct reuse assessments in cleanup of contaminated properties*
 - ✓ Develop screening processes to identify property characteristics that facilitate reuse
 - ✓ Identify properties undergoing cleanup that have significant potential for green space and other community needs (e.g., parks, habitat for native species, bike trails), as well as economic, restoration purposes
 - ✓ Assess the reuse potential of remedial properties
- *Collect, maintain, and disseminate environmental information that facilitates reuse*
 - ✓ Modify outputs of the federal site assessment process (e.g., readable summaries) across cleanup programs in ways that make them more directly useful and readily available for the local community
 - ✓ Build on ongoing work with the General Services Administration to expeditiously identify parcels of federally-owned property ready for reuse as part of cleanup
 - ✓ Use sampling data early in the cleanup process to characterize where contamination is known and not known and/or develop a method to describe 'areas of EPA interest' (as opposed to site boundaries), in order to make it easier for the public to recognize when property is "available" for reuse
 - ✓ Develop and disseminate information on sustainable incentives, strategies, and resources that promote reuse in cleaning up underutilized or idled private properties
 - ✓ Develop and pilot an Internet-based Land Revitalization Clearinghouse (e.g., using a Multiple Listing Service-type system for properties) for properties being cleaned up to provide a publicly-available national inventory with site-specific information for use by developers, community members, and others
 - ✓ Integrate OSWER web information on reuse in cleanup programs to enhance public access and emphasize the priority of revitalization across all cleanup programs
- *Review policies, guidance, and practices to make reuse considerations an integral part of*

EPA's cleanup programs

- ✓ Address barriers to redevelopment under CERCLA, RCRA, TSCA and other law, through revised guidance, regulations, or practices
- *Develop performance measures for reuse*
 - ✓ Establish a single, cross-program reuse measure of “success” (e.g., “land ready for reuse”) for OSWER
- *Establish a process to determine when a property is safe for reuse*
 - ✓ Pilot “ready for reuse” technical determinations to clarify appropriate reuses
 - ✓ Develop principles for implementation of “ready for reuse” technical determinations
- *Develop guidance on how to make portions of sites available for reuse (“parceling”) during cleanup under RCRA and CERCLA to benefit cleanup and community reuse goals*
 - ✓ Increase use of partial deletion authorities at Superfund sites
- *Develop and improve the use of technology to assess and clean up contamination*
 - ✓ Endorse and promote field analytical methods to characterize sites and minimize costs
 - ✓ Work with the States and Tribes to identify efficiencies in the use of area-wide assessments that reduce cost
 - ✓ Promote the use of EPA’s capabilities to provide technology assistance in support of brownfields cleanup
- *Explore policies and practices for furthering land reuse in cleanups undertaken by Potentially Responsible Parties (PRPs)*
 - ✓ Explore options for accommodating reuse assessment and consideration of future land use in achieving cleanups at PRP-lead sites
 - ✓ Promote use of supplemental environmental projects (SEPs) to facilitate reuse in penalty actions, across statutes
- *Address the liability concerns of parties involved in sale and acquisition of property for productive reuse that is subject to RCRA requirements*
 - ✓ Use available mechanisms (e.g., completion determinations, remedial action plans, comfort letters, and RCRA prospective purchaser agreements) to facilitate property cleanup and reuse
 - ✓ Evaluate RCRA administrative liability relief for municipalities when they involuntarily acquire contaminated property
 - ✓ Evaluate State innovations for lender liability relief at RCRA facilities
- *Coordinate grants affecting reuse across multiple federal cleanup programs to target area-wide clusters of properties*

Objective: Develop Partnerships to Further Land Reuse in Cleanup

- *Implement an urban river restoration initiative*
 - ✓ Establish an inter-agency partnership with the Department of the Army to leverage U.S. Army Corp of Engineers and EPA resources and authorities for urban river restoration demonstration projects that achieve both cleanup and revitalization
 - ✓ Announce urban river restoration pilots
- *Create broad-based public/private partnerships for reuse*
 - ✓ Expand EPA Regional efforts to achieve cleanup goals (e.g., RCRA GPRA goals, NPL “construction completes”) that facilitate land reuse through communication (e.g., through Regional meetings) with both private and public Superfund responsible parties, RCRA responsible owners and operators, and other regulated entities
 - ✓ Partner with the petroleum industry to foster reuse opportunities in cleanups that are associated with industry mergers and divestiture of assets
 - ✓ Expand the use of partnerships that stimulate private investment in reuse activities as part of cleanup, similar to EPA’s recently-announced partnership with Habitat for Humanity or partnership with the Soccer Foundation
 - ✓ Undertake insurance symposia to discuss the potential roles of environmental insurance - past, present and future - in furthering cleanups that promote property reuse
- *Explore long-term land stewardship options*
 - ✓ Study the use of innovative public and private stewardship and property reuse mechanisms to support cleanup by managing institutional controls and long-term property care
 - ✓ Partner with States/Tribes, local governments, and the private sector to pilot the use of “one-call” systems (e.g., one telephone number) that simplify management of long-term controls
 - ✓ Explore options to establish links among existing State/Tribal, local, and federal web-based data systems for the identification and enforcement of institutional controls
- *Strengthen federal, State, and Tribal partnerships*
 - ✓ Undertake needs surveys, under the auspices of the EPA and State Senior Cleanup Council and State and Tribal Associations, to look at various State/tribal land revitalization needs in the context of cleanup
 - ✓ Partner with States and Tribes to foster unified approaches to cleanup and revitalization
 - ✓ Partner with DoD, DOE, and other federal agencies to achieve cleanups that foster reuse
 - ✓ Develop a “how to” guide for communities to undertake cleanups at mining waste properties that result in reuse, including natural restoration technologies

- *Ensure early and meaningful community involvement in clean up and reuse assessment*
 - ✓ Hold Community Revitalization Work Shops to provide urban and rural local officials and citizens in large and small communities with the tools and training to meet revitalization challenges in cleanup
 - ✓ Package and disseminate information on all community-related EPA grant programs that may enhance opportunities for land reuse
- *Partner with the Interagency Working Group on Environmental Justice*
 - ✓ Hold EJ listening sessions in several locations to focus attention on reuse issues and revitalization activities
 - ✓ Coordinate Environmental Justice revitalization projects with the Interagency Working Group on Environmental Justice
- *Partner with industry to recognize industry accomplishments in cleanup that foster reuse*
 - ✓ Encourage and recognize large and small companies' voluntary commitments to achieve cleanup goals that foster reuse
 - ✓ Establish an awards program
- *Integrate property cleanup with local "smart growth" land use planning and other initiatives*
 - ✓ Identify which Superfund/RCRA/Brownfield/ UST sites are in "smart growth zones" to integrate cleanup with local "smart growth" land use planning that minimizes the air, water, and land quality impacts of the redevelopment
 - ✓ Promote pollution prevention in waste cleanup projects -including the use of recycled, bio-based, and environmentally-preferable products in land use applications, and the use of "green buildings" and "green energy"

Objective: Instill a Culture of Land Reuse in our Organizations

- *Empower the Regions to make cleanups decisions that protect human health and the environment and promote reuse as a priority*
 - ✓ Create a "Regional Reuse Coordinator(s) and Team in each EPA Region to champion revitalization policy reforms, develop Regional Work Plans with specific goals, strengthen State/Tribal/EPA coordination, work with State Small Business Assistance Programs (SBAPs) to encourage reuse, overcome obstacles among site cleanup requirements, and facilitate Community Revitalization Roundtables
 - ✓ Assemble expert Revitalization Technical Assistance Team to assist site managers and communities with site evaluation, "visioning" meetings with local officials and community members, and clean up that considers revitalization
 - ✓ Incorporate land reuse considerations in Superfund removal and oil spill response programs through policy and guidance (e.g., to expedite site assessment and facilitate reuse through clean up of site "parcels")

- *Train EPA, State, Tribal, and local governments on reuse practices relevant to cleanup*
 - ✓ Assess Regional and HQ reuse training needs
 - ✓ Identify and utilize key training resources - including EPA, other federal agencies, States, Tribes, universities/Hazardous Substance Research Centers, and other organizations
 - ✓ Conduct real estate training and environmental insurance training for program and counsel staff and management to help achieve cleanups that facilitate reuse
 - ✓ Develop web-based training approaches
 - ✓ Hold brown-bag meetings for HQ and Regional staff on key reuse issues to focus discussion and enhance coordination across OSWER and EPA
- *Recognize Federal, States/Tribal, and local government reuse accomplishments*
 - ✓ Establish awards for Regional, State/Tribal, and HQ staff and management who work creatively in partnership with key “stakeholders” to make reuse principles a central part of their jobs in all cleanup programs
 - ✓ Provide national recognition for States/Tribes, other governmental agencies, communities, developers, etc., in cooperation with sponsors of the Phoenix Awards, for those who have been instrumental in the successful revitalization of contaminated properties in a wide range of cleanup programs

Objective: Implement the New Brownfields Law

- *Request budget increase for brownfields activities to \$210 million in fiscal year 2004*
- *Integrate and streamline brownfields grants application processes*
- *Expand the number and types of brownfields grants under the Small Business Liability Relief and Brownfields Revitalization Act*
 - ✓ Make grants available: for sites eligible (e.g., to address petroleum contamination, mine-scarred lands, sites contaminated by a controlled substance, RCRA sites); to entities eligible for certain types of grants (e.g., non-profit organizations); and for purposes eligible (e.g., planning)
 - ✓ Make grants available specifically for brownfields cleanup
- *Conduct outreach activities to implement the new law*
 - ✓ Work with States/Tribes, local governments, federal agencies, and others to identify and address barriers to land revitalization
 - ✓ Explore the need for new or amended State-EPA agreements (MOUs and MOAs), in close consultation with the States/Tribes and consistent with needs surveys (see “Develop Partnerships that Further Land Reuse in Cleanup”)

- *Clarify applicability of liability provisions in the new law*
 - ✓ Implement prospective purchaser, innocent landowner, and contiguous property owner sections of the law
 - ✓ Develop a regulation on site assessment processes to protect human health and the environment and public welfare, harmonizing federal and private sector approaches in order to facilitate future uses

The Resource Conservation Challenge (RCC) was announced in September 2002 as a major national effort to find flexible, yet more protective ways to conserve our valuable natural resources through waste reduction and energy recovery activities that will improve public health and the environment. Today, the RCC is expanding across EPA's programs—waste, water, toxics, pollution prevention, pesticides, and compliance – and also includes on-going projects in the Regions, States and Tribes. The RCC identifies areas of program focus or "challenges" that are ready for voluntary partnerships. Each of these challenges works to resolve national environmental problems by finding environmentally acceptable solutions.

The RCC challenges all Americans—makers of goods, sellers of goods, and buyers of goods—to:

- Prevent pollution and promote recycling and reuse;
- Reduce priority chemicals at all life cycle stages; and
- Conserve energy and materials.

EPA will rely on the development of voluntary partnerships to meet the RCC challenge. We are initially focusing on 9 areas for these partnerships. Each area will develop specific, measurable targets tied to RCC goals. The current RCC areas of focus are construction and demolition debris, electronics, green buildings, hospitals, industrial wastes, paper, priority chemicals, schools, and tires.

Additionally, EPA has identified hundreds of projects across the Agency and the States that support the RCC goals. The hallmarks of these projects are flexibility, partnership and innovation. Many include revamped technologies to reduce or eliminate the use of virgin materials and toxic chemicals, and recover energy to produce power.

During the next year, the RCC will continue developing partnerships. If appropriate, the RCC will propose to include the measurable targets that are a part of these partnerships in the Agency's next Strategic Plan update. Further, the RCC is working to identify future areas that are ready to accept the challenge.

Note: Most of this information is from the document, "Resource Conservation Challenge: What Can You Save Today? ... An Update." This document, along with other RCC information, can be found on the RCC website: <http://www.epa.gov/epaoswer/osw/conserve/>

ASTSWMO's strategic plan calls for the association to identify a comprehensive list of technical assistance that states believe could be provided by EPA, as a means of assisting state implementation of effective and efficient state solid waste programs. States believe that implementation of environmental programs is largely carried out by states, and that EPA's role (and resources) should move toward providing more support to state regulatory agencies. This list is envisioned by ASTSWMO as starting an ongoing dialogue to help states and EPA identify areas across all waste programs where federal assistance is needed and would be most beneficial.

This list organizes ASTSWMO's request for EPA technical assistance into four separate program areas: financial, technical, programmatic, and training. The list was generated by ASTSWMO's operating subcommittees (Solid Waste, Hazardous Waste, CERCLA, Pollution Prevention, Federal Facilities, and Tanks), and was compiled and edited by the TIE Subcommittee.

It is important to note that ASTSWMO views this list as a point of departure for discussions with EPA. ASTSWMO acknowledges that the technical assistance needs identified could be fulfilled in any number of different ways, and is open to discussions with EPA on how these needs could best be addressed.

And finally it is critically important to note that no matter what level of technical assistance EPA chooses to provide to states, federal funding to support operation of state waste programs is insufficient to meet both the obligations of states to provide protective programs, and the obligations of states to contribute to EPA meeting its goals and objectives.

Area 1: Financial

- 1-1 **Insurance** is being increasingly used by facilities to provide guarantees that funds will be available to perform corrective actions, and to guarantee availability of funds for post-closure care and maintenance obligations for RCRA o/o's, CERCLA RP's, tank o/o's, and RP's under state voluntary (or other) cleanup programs. Insurance is also being used to guarantee funds are available in the event of failure of engineering and institutional controls that are being employed in most remedy agreements. These uses of insurance differ from the traditional use of insurance to pay for damages from third-party liability claims. States need EPA to: (1) provide information and training to states about how insurance policies can be used to satisfy the financial obligations of facilities; (2) work with the insurance industry to establish standard clauses that should appear in such policies, if they are to be accepted by state regulators as adequate to provide financial guarantees; (3) provide training on how to assess the costs of financial obligations that go beyond thirty years in the future; and (4) provide guidance on methodologies to price out the various future obligations of

owners or operators of regulated sites.

- 1-2 The **federal financial assurance regulations** under RCRA Subtitle C, D and I, and under CERCLA, are inadequate to meet their intended purposes. ASTSWMO has prepared a briefing paper which more fully explains state concerns regarding the federal rules. States believe that EPA should reevaluate its approach to financial assurance in waste programs, and it is likely that rule changes would be needed to correct some of the deficiencies that have been identified. Briefly, states believe there are problems with: captive insurance, self insurance, lack of corrective action assurance, (and for federal facilities) a complete lack of financial assurance requirements, especially for FUDS and base closure sites, and FUDS and closure sites that have transferred to private ownership. States believe that their needs to be a financial assurance mechanism to ensure performance of activities associated with long term stewardship of sites, as well.
- 1-3 The concept of **green taxes, fees and permits** should be evaluated by EPA, as a means to employ market incentives to reduce wastes, to select more permanent closure/cleanup options for contaminated sites, to promote voluntary achievement of higher environmental standards, increased public information and involvement, and less burdensome regulatory processes. EPA should promote, at the federal level, innovative fee and tax policies to reduce pollution and global warming, and optimize efficient uses of natural resources. EPA should also work with states to prepare methodologies to allow states to calculate the true external costs of waste generation.
- 1-4 EPA should work with states to establish **objective criteria to identify environmentally preferable products**(EPPs). EPA does have a web site for EPPs, but it is not as comprehensive as it could be for a wide range of products. ASTSWMO believes that a systematic process to develop standards for a range of EPPs is needed, and that credible standards and certification procedures must be established. The existing EPA process to set a standard for an EPP requires that the firm wishing to establish the standard must fund the process, and some states believe this raises conflict of interest problems. It also makes it difficult for small, innovative firms to get a standard set.

Current standards for EPPs appear also to be based on a narrow set of considerations. Consideration of life-cycle costs for products should be included, to allow evaluation of pollution caused by production and energy requirements for recycling. Finally, there is no process to require producers to demonstrate that their assertions with respect to EPPs are being met.

- 1-5 **Hazardous waste generator financial stability indicators** are needed, to allow states to quickly identify generators that are having financial

difficulties and are likely candidates for bankruptcy, abandonment, and creation of orphan contaminated sites.

Area 2: Technical

2-1 **Guidance materials** issued by EPA need to be updated to reflect the significant body of experience that states and EPA have accumulated since they were originally issued, and to address new technologies that have emerged. As new guidance documents are developed, ASTSWMO believes that states should be involved to the extent they desire in participating in guidance document development. Additionally, EPA should provide training on new or revised guidance documents as they are issued. Training materials should not be restricted to traditional classroom events (although they are still needed), but should include use of other media as well (CD-based training, internet-based training, videos, workshops, or others). Guidance is recommended for the following areas:

- Landfill construction QA/QC
- Performance of waste containment systems
- Evaluating performance of bioreactor landfills
- Beneficial use
- Application of environmental management systems to waste management facilities
- Leachate recirculation for Subtitle D landfills
- Liner design
- Innovative waste-to-energy opportunities
- Analysis of groundwater data
- Geochemistry of pollutants in subsurface soils and groundwater
- Phyto-remediation technologies
- Alternate cap design (including phyto) for landfills
- Use of GPS and GIS in management of facility and environmental information
- Evaluation of financial assurance mechanisms
- Cost estimation for closure, post-closure care, maintenance of engineering and institutional controls, and corrective action
- Calculating natural resource damages
- Use, maintenance and long term implementation of institutional and engineering controls, both generally and for federal facilities
- Innovative methods for site characterization and remediation, including use of innovative technologies
- Sector-by-sector waste elimination guidance
- Improving operational compliance at UST facilities

- 2-2 **Research** needs to be emphasized by EPA, to help states (and industry) identify more effective ways to characterize and assess environmental and health hazards posed by wastes in the environment, to characterize site contaminant distributions, and to in general bring more science to bear on waste management decision-making. ASTSWMO suggests that new or additional research is needed in the following areas:
- Field evaluations of alternative remediation technologies
 - Evaluation of the health impacts from toxics introduced into commerce by the use of hazardous wastes as products in manufacturing
 - Using EPA's laboratories to conduct research to answer questions posed by state waste agencies
 - Determining the efficacy of currently available systems to detect releases of pollutants from units (landfills, USTs, impoundments, etc.), and development of better leak detection systems
 - Development of better, quicker instrumentation to allow detection of the scope and magnitude of releases of pollutants in surface and subsurface soils, and in groundwater, including development of real-time field detection equipment
 - Evaluation of the long-term behavior of landfills, including development of empirical data on the expected duration of releases and strength of releases over time, and development of landfill designs to passively mitigate the expected impacts
 - Development of a 'recyclability index' or other measure of the ability of current technologies to recycle manufactured goods
 - Research designed to advance the science of waste management should be emphasized, as well as research to further knowledge about the risks posed by chemicals in the environment.
 - Newly emerging risks to human health and the environment should be addressed through EPA research, such as risks posed by endocrine disrupters, examination of environmental links to cancer, and investigation of unexplained, area-specific anomalous environmental incidents.

Area 3: Programmatic

- 3-1 EPA should obtain **mobile (or portable) lab capabilities** in each region, to allow EPA to provide site-specific field sampling and analysis as requested by states
- 3-2 There is a need for a compilation of information about **waste elimination strategies** on a sector-by-sector basis

- 3-3 States need highly technical assistance to **review risk assessments** submitted by owners of contaminated sites, and EPA should develop in-house capability to perform this service for states or make federal contractors available to states for this purpose.
- 3-4 It would be useful for states to have access to information on **background concentrations of hazardous and radiological constituents**, particularly for obscure constituents and media (e.g., cesium in tree leaves). EPA could compile this information in a new database, or add it to an existing database like EPA's Integrated Risk Information System.
- 3-5 There should be an emphasis placed on creating and nurturing **state-EPA enforcement partnerships**. States in some regions continue to be treated as something less than partners. Partnership agreements (enforcement agreements) between states and EPA need to be followed, and EPA actions for state-referred cases need to be timely.
- 3-6 EPA should make its staff and contract resources available to states on request to **provide assistance to states in evaluating corporate finances**, including evaluation of 'ability to pay' arguments made by corporate violators, evaluation of financial assurance proposals from permittees and responsible parties, conducting responsible party searches, and conducting searches to discover prior comprehensive general liability insurance policies at facilities with insufficient resources to pay for cleanups.
- 3-7 EPA should work to **adopt common sense environmental indicators** that could be applied to all its remedial programs, which could be used to set goals for completed cleanups (at closed facilities) and interim stabilization (at facilities that continue to be used for industrial purposes), and should involve states through the Senior Cleanup Council in developing those indicators.
- 3-8 The **RCRA hazardous waste authorization process is broken**, and it should be fixed. Too many scarce state hazardous waste program staff hours are wasted on developing and submitting an unending stream of authorization requests. Significant streamlining of the authorization process should be undertaken, with state input.
- 3-9 Continued availability of **contractor support for the RCRA hazardous waste authorization process** is needed. Until the process has been significantly streamlined, and states no longer need to deal with paragraph-by-paragraph checklists, it is necessary for EPA to continue supporting state authorizations by maintaining the authorization web page and updating those checklists.

- 3-10 EPA's Regional Offices should work with states to **make greater use of fully-funded IPAs** for EPA staff to work in state environmental agencies, as states request.

Area 4: Training

- 4-1 EPA should continue to support the enforcement project organizations, to allow them to provide cost-effective **enforcement-related training** to state waste management staff. If not already a part of the enforcement project organizations' mandates, UST/LUST inspector training and enforcement training should be offered, and supported financially by EPA's Office of Underground Storage Tanks.
- 4-2 Training of state staff to **evaluate financial assurance instruments**, including corporate self-bond applications, sureties, insurance, trusts, and to evaluate cost estimations is needed.
- 4-3 EPA should embark on a **formal program to train other federal agencies** about their responsibilities for management and remediation of contaminated sites under those agencies control. Training should emphasize the responsibility of these federal agencies to comply with state law. These agencies include the Army Corps of Engineers, the Bureau of Land Management, the Forest Service, the Bureau of Reclamation, and others.
- 4-4 EPA's current efforts to **bring technical training to different areas throughout the country** should be continued, and additional means should be explored to make this technical training more readily accessible to state program staff. Training areas that should be emphasized include human health and ecological risk assessment, calculating risks from lead exposures, modeling fate and transport of contaminants in the environment, assessing indoor air hazards, use of multi-path exposure models, assessment of remedial technologies and costs, site characterization, and general and specific geologic and hydrologic training.
- 4-5 Support should be continued for **EPA's Technical Innovations Office**, and additional ways should be explored to deliver information about innovative technologies to state agency staff. Training on technologies should be offered to state staff.



April 22, 2003

Mr. Robert Springer
Director
Office of Solid Waste
U.S. EPA
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

RE: Tribal Solid Waste Management and Emergency
Response Training and Technical Assistance Needs

Dear Mr. Springer:

Tribal solid waste and emergency response programs lag significantly behind those of the states. This stems, at least in part, from RCRA's definition of Tribes as municipalities when RCRA's funds were provided to states--Tribes, defined as municipalities without states, could not receive this initial funding. A survey of the 110 Tribal members of the Tribal Association for Solid Waste Management and Emergency Response (TASWER), which appears to be statistically representative of the 568 federally-recognized Tribes, shows that 44% do not have a solid waste program, 24% list open dumps and 16% burn barrels as their primary method of solid waste disposal, and 35% cite recycling as the last or next to last solid waste disposal option. Current estimates are that there are still over 1,100 open dumps on Indian and Alaska Native lands. Fifty-five percent of the respondents to the TASWER survey said they did not have an emergency response program.

The Tribal need for training and technical assistance in solid waste management and emergency response is urgent. On the one hand, the type of technical assistance and training needed would appear to be for what could be termed "basic" materials and guidance, which EPA, other governmental agencies, and various non-profits and profits have already developed. On the other hand, the rural settings of most reservations, Tribal culture, and the history of the relationship between Tribes and the United States require the development of material and guidance that is specifically targeted to Tribes.

TASWER's goals include the development and implementation of training and technical assistance programs for Tribes for solid waste management, Superfund, and emergency response and providing assistance to Tribes with hazardous waste investigation. As an example of the need to develop Tribe-specific material, TASWER took a Tribal solid waste management training course developed by the Solid Waste

Management Association of North America (SWANA) that had been criticized by Tribes in the review process as not being Tribe-specific, reworked it with Tribal input, and presented it in April 2003 as a pilot program for the Pyramid Lake Tribe of Nevada. That there was need for such a course is evidenced by the fact that the registration of 60 was matched by a wait-list of an equal number. It is TASWER's hope and plan to continue to present this course, as revised by evaluations and other input, and TASWER recommends that EPA fund the further development of such training.

TASWER lists in this document areas of training and technical assistance that it believes would benefit Tribes. They are meant as the start of discussions between TASWER and EPA on these issues. In addition to pointing out these needs, TASWER wishes to reiterate that federal funding to support operations of Tribal waste and emergency response programs has long been insufficient, and TASWER supports EPA's efforts to secure additional funding specifically targeted for Tribes.

Training

- *Solid Waste Management.* TASWER recommends that courses like its TASWER/SWANA solid waste management training course be developed. TASWER is currently examining the results of its pilot course, revising the course, and working with SWANA on using SWANA's dissemination network. The diversities of Tribes require that portions of the material be varied from region to region, which could result in one course with a dozen variations.
- *Alaskan Tribes.* Alaskan Tribes have solid waste management and emergency response needs that are largely different from those of the lower 48 states. Training materials specifically developed for Alaskan Tribes are urgently needed.
- *C&D Waste.* While most Tribes do not develop the quantities of waste required for a Subtitle D landfill, the number of abandoned homes and businesses on Tribal land do indicate that C&D waste management is a logical candidate for a training course.
- *Medical and Special Wastes.* Since the majority of tribes have health clinics on their reservations, they are dealing with medical waste, which could either be the focus of a course or the component of another course. And, as Tribal programs continue to develop, Tribes are finding that they need to deal with special wastes, such as mercury-containing lamps. Special wastes could either be the focus of a course or the component of another course.
- *Hazardous Waste.* TASWER also recommends a Tribal-oriented course on hazardous waste, Superfund and emergency response issues.
- *Funding Training.* Finally, funding solid waste and emergency response programs is a huge issue for Tribes. A course that provides up-to-date information on funding possibilities, grant writing training, and financial management training, especially as it relates to fulfilling the reporting requirements of the grants, would be of great help to Tribes.

Technical Assistance

Guidance Materials. These are areas where TASWER recommends that EPA provide assistance to Tribes to promote better waste management system operations.

- 1) Application of high tech environmental management systems to waste management facilities such as landfills and transfer stations;
- 2) Solid waste landfill operations and maintenance consistent with EPA QA/QC guidelines;
- 3) C&D landfill operations and maintenance;
- 4) Introduction of bio-reactor landfills waste-to-energy concept;
- 5) Introduction of waste minimization and waste elimination technologies to Tribal environmental programs;
- 6) Alternate strategies for solid waste management;
- 7) Monitoring, rapid site assessment, analytical data collection and sampling, corrective actions, and removal/remediation alternatives for Tribal landfills;
- 8) Application of GIS/GPS component for better operations and performance;
- 9) Engineering and cost evaluation through performance for closure, post closure, institutional controls, maintenance, and corrective action;
- 10) Development and operation of transfer stations;
- 11) Development and operation of recycling facilities;
- 12) Waste Characterization of Tribal solid and hazardous waste;
- 13) Dump closure specifically in Alaskan Native Tribal land; and
- 14) Enforcement, dealing specifically with Tribal jurisdictional issues.

In addition to guidance material in these areas, TASWER recommends that EPA provide relevant training as the guidance is developed. This training could be incorporated in the training mentioned above and could also include CD-based training, Internet-based training, videos, and workshops.

Other Assistance

Funding Information. At the TASWER solid waste training pilot, Tribal members described their struggle to identify sources and apply for funding from federal agencies, saying that most of the agencies were unable to provide guidance about other agencies' offerings. EPA has worked to address this problem with published lists, which unfortunately are dated as soon as they are published. An outside institution, such as TASWER, could, with EPA's support, maintain current knowledge of grant and loan programs that might benefit solid waste and emergency response programs in Indian Country. And, as noted earlier, a "funding" course could also be developed.

Peer Match Program. TASWER's training efforts to date have indicated that such training will gather and produce experienced Native American solid waste managers who can provide person-to-person guidance to less experienced Tribal solid waste managers. EPA had a peer-match program under RCRA Technical Assistance in the

1970s that enabled less experienced managers to visit and learn from successful programs. The peer-match program provided travel money only and was therefore very cost effective. Tribes especially will benefit from such one-on-one guidance, and TASWER urges EPA to consider reviving and funding a peer-match program for Tribes.

Environmental Assessment Program Database. TASWER recommends the development of a Tribal solid waste management environmental assessment program database for Tribal landfills that would include 1) identification information; 2) baseline environmental information; 3) prioritization of site closure; and 4) site closure method.

TASWER appreciates the opportunity to submit this listing and assessment of needs.

Sincerely,

Laura Weber
Chair